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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/751,799	12/29/2000	Michael E Knappe	062891.0445	5321

7590 03/28/2005
Baker Botts L.L.P.
2001 Ross Avenue
Dallas, TX 75201-2980

EXAMINER

TIEU, BENNY QUOC

ART UNIT	PAPER NUMBER
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2642

DATE MAILED: 03/28/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/751,799

Applicant(s)

KNAPPE ET AL.

Examiner

Benny Q. Tieu

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 29 December 2000.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 29 December 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 1/19/01.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Double Patenting

1. The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. See *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and, *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent is shown to be commonly owned with this application. See 37 CFR 1.130(b).

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

2. Claims 31-35 are rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 31, 33, 35 and 36 of U.S. Patent No. 6,792,092. Although the conflicting claims are not identical, they are not patentably distinct

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from each other because both instant application and patent '092 claim the same subject matter.

Claim 31 of instant application corresponds to claim 31 of patent '092; claims 32 and 35 of instant application correspond to claim 33 of patent '092; and claims 33 and 34 of instant application correspond to claims 35 and 36 of patent '092, respectively. The common subject matter is, with regarding claim 31, a method for independent participant control of audio properties for a multiparty communication connection; and with regarding claims 32-35, a conference bridge comprising an input buffer, a cross-connect, a conference stream output generator and an output buffer.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-32 and 36-39 are rejected under 35 U.S.C. 102(e) as being anticipated by Beyda et al. (U.S. Patent No. 6,404,873).

Regarding claims 1, 11, 21, 31, 32, 36 and 38, Beyda et al. teach a method and system for participant control of privacy during a multiparty communication connection, comprising:

receiving a request from a first participant the multiparty communication connection sidebar between the first participant second participant the multiparty communication connection (Fig. 6, 58); and

providing the sidebar by at least substantially eliminating voice streams generated by the first participant second participant from conference output streams generated for a set remaining participants the multiparty communication connection (Fig. 6, 64).

Regarding claims 2, 12, and 22, , Beyda et al. further teach the method and system comprising providing the sidebar eliminating the voice stream generated by the first participant and the voice stream generated second participant from conference output streams generated the set of remaining participants (Fig. 6, 64).

Regarding claims 3, 13 and 23, Beyda et al. further teach the method and system comprising:

requesting permission from second participant for the sidebar (Fig. 6, 60); and
in response least approval by the second participant, providing the sidebar at least substantially eliminating voice stream generated by the first participant and the voice stream generated second participant from conference output streams generated for the set of remaining participants (Fig. 6, 62).

Regarding claims 4, 14 and 24, Beyda et al. further teach the method and system wherein the conference output streams comprise monaural streams, further comprising providing the sidebar by attenuating voice streams generated by the set of remaining participants in conference output streams generated for the first and second participants (column 7, lines 1-2).

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Regarding claims 5, 6, 9, 10, 15, 16, 19, 20, 25, 26, 29, 30, 37 and 39, see column 6, line 53 through column 7, line 24.

Regarding claims 7, 8, 17, 18, 27 and 28, see Fig. 1.

Conclusion

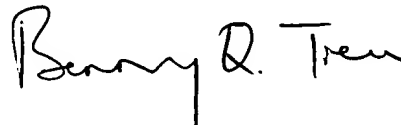
5. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Blinken, Jr. et al. (U.S. Patent No. 5,099,510) teach a teleconferencing with bridge partitioning and other features. Biggs et al. (U.S. Patent No. 5,625,407) teach a seamless multimedia conferencing system using an enhanced multipoint control unit and enhanced endpoint devices. Smythe et al. (U.S. Patent No. 6,418,214) teach a network-based conference system. Bradshaw, Jr. (U.S. Patent No. 6,608,820) teaches a method and apparatus for controlling a conference call.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Benny Q. Tieu whose telephone number is (703) 305-2360. The examiner can normally be reached on Monday-Friday: 6:30AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ahmad Matar can be reached on (703) 305-4731. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, reading "Benny D. Tieu". The signature is written in a cursive, flowing style.

BENNY TIEU
PRIMARY EXAMINER

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March 20, 2005